

AUG 11 2008

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
MICHAEL W. DOBBINS
CLERK U.S. DISTRICT COURT

CHARLES O. EUBANKS,)
Pro Se Defendant,)

Case No. 07 CR-50058-1

v.)

UNITED STATES OF AMERICA,)
Respondant.)

AMICUS CURIAE MOTION

In good faith and in the interest of justice and the public reputation of the judicial process, moves this Honorable Court to make the Court aware of the following;

- 1) That I, Charles D. Spears, am the father of the defendant Charles O. Eubanks.
- 2) That me and my son have approved correspondence. (See Attached)
- 3) That I've had an opportunity to read the entered plea agreement in it's entirety.
- 4) That my son Charles O. Eubanks have sent me two (2) letters professing that he only waived his right to go to trial, and not waived his appeal rights. (See letters marked as Exhibit (A) and (B)).
- 5) Where in the plea agreement, that I've read he not only waived his

appeal rights, but he also waived all collateral attack on appeal as well.

- 6) It appear your honor that he may of gave the Court the impression, that he understood what the Court had conveyed to him at the plea hearing, when he actually didn't understand fully, because he honestly believes he still has his appeal rights, which can only render the the entered plea unknowing, unintelligently, and involuntary.
- 7) Which can only leave one to conclude that either counsel of record failed to explain fully in laymen terms the direct and indirect consequences regarding all aspects of the entered plea or the defendant didn't fully understand what the Court explained to him at the plea hearing under Federal Rule of Criminal Procedure Rule 11.

WHEREFORE, in light of the above information and reasons, and in the interest of justice, I ask that this Honorable Court grant motion to withdraw the entered guilty plea.

RESPECTFULLY SUBMITTED

Charles D. Spears #12480-424
Charles D. Spears #12480-424
F.C.I. Oxford
P.O. Box 1000
Oxford, WI 53952

CERTIFICATE OF SERVICE

I, Charles D. Spears, certify that I am a friend of the court in the above entitled cause, and that I caused three (3) copies of (Amicus Curiae Motion) to be sent via U.S. Postage Mail and/or hand delivered to the Clerk of the United States District Court for the Northern District of Illinois this 8th day of August, 2008.

RESPECTFULLY SUBMITTED

Charles D. Spears #12480-424
Charles D. Spears #12480-424
F.C.I. Oxford
P.O. Box 1000
Oxford, WI 53952



Federal Bureau of Prisons

Federal Correctional Institution

March 3, 2008

P.O. Box 0500
Oxford, Wisconsin 53952

Wendy Kerwin, Jail Administrator
Ogle County Jail
105 S. 5th Street
Oregon, IL 61061

RE: REQUEST FOR INMATE CORRESPONDENCE PRIVILEGES

OUR: SPEARS, Charles
Reg. No.: 12480-424

YOUR: EUBANKS, Charles
Doc No.: 1204765

Dear Ms. Kerwin:

Our inmate, Charles Spears, has requested permission to correspond with his son, Charles Eubanks, who is currently confined at your facility.

The Bureau of Prisons policy which governs inmate correspondence, stipulates that the wardens of both institutions must approve correspondence privileges between confined inmates before permitting an inmate in a federal institution to correspond with an inmate in any other correctional institution. In addition, records must verify that the inmates are immediate family members. We have verified these two individuals are father and son; therefore, we have no objections to their corresponding, should you also approve.

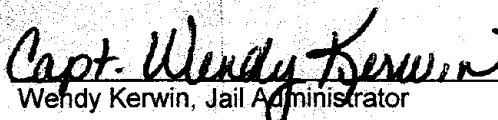
Please forward to me your approval or disapproval regarding correspondence privileges between these two individuals. Thank you in advance for your consideration in this matter.

Sincerely,


Carol Holinka
Warden

Approved X

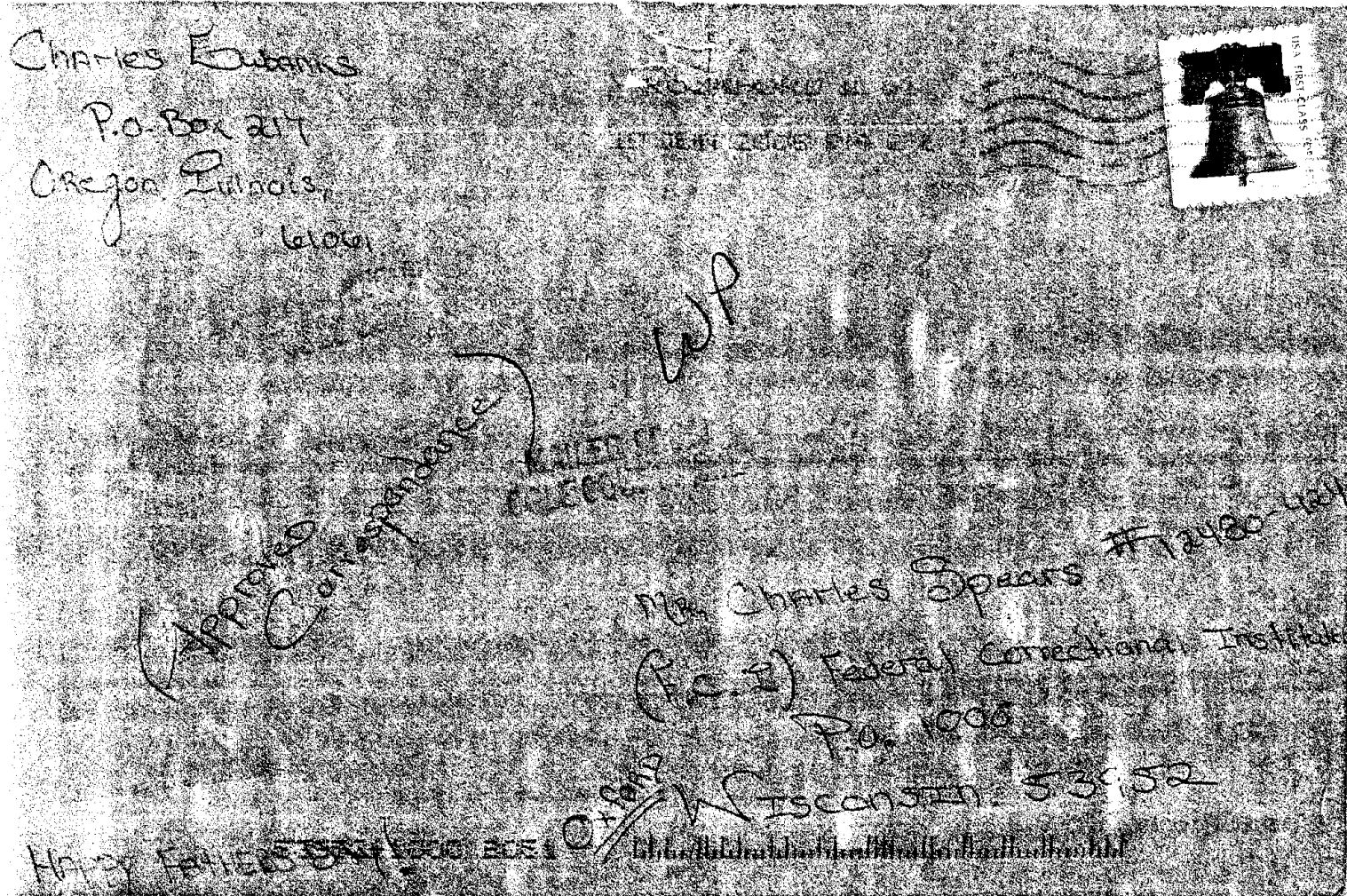
Disapproved _____


Wendy Kerwin, Jail Administrator

3/18/08
Date

EXHIBIT A Dated: 7-6-08

check it do paps



~~here, only thing I can appeal is my sentencing. I need some details~~

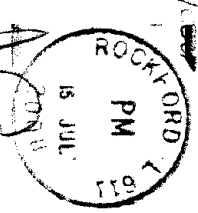
EXHIBIT B- 7/15/08

~~I am not sure you get it, I didn't leave my rights to~~
Appeal my sentence, I received my trial rights that's it doc.

Mr. Charles
Robert
Morgan
Level

(Mr. Charles Morgan)
Level

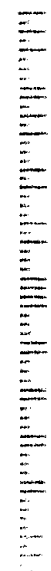
Take Always
Don't



Mr. Charles Morgan
Federal Correctional Institute

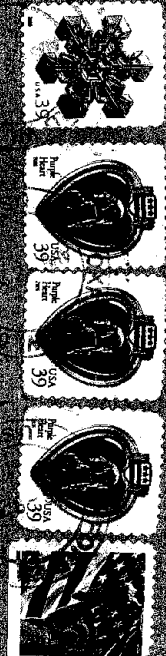
P.O. Box
Oxford, NY 13852

8888881000-00 8081



Charles Spence, III
Federal Communications Commission
P.O. Box 1000
Oxford, MS 38950

Ms
1905



George
Commissioner District Court
for the United District
of Mississippi

311 S. Court Street
Raymond, MS 39081

